

7690.1600 RULE VARIANCES.

Subpart 1. **When granted.** The commissioner shall grant a variance to parts 7690.0100 to 7690.1500 when the commissioner determines that the following requirements are met:

A. enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;

B. granting the variance would not adversely affect the public interest; and

C. granting the variance would not conflict with standards imposed by law.

Subp. 2. **Conditions.** A variance may be granted contingent upon compliance with conditions imposed by the commissioner.

Subp. 3. **Duration.** Unless the commissioner orders otherwise, a variance automatically expires in one year. It may be revoked sooner due to changes in circumstances or due to failure to comply with requirements imposed as a condition of receiving the variance. A notice of intent to revoke a variance will be sent to the party holding the variance and others on the service list. A party will have ten days to respond.

Subp. 4. **Notice and timelines.** A party requesting a rules variance must give notice of the motion to the parties on the service list for the affected utility's conservation improvement program. The request must state the variance requested and how the request meets the three requirements outlined in subpart 1. The timelines for variance requests are the same as the timelines for proposed changes to an existing project, as outlined in part 7690.1400 and summarized in part 7690.1440, subpart 4.

Statutory Authority: *MS s 216B.241*

History: *22 SR 1402*

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